

UNITED STATES PATENT AND TRADEMARK OFFICE

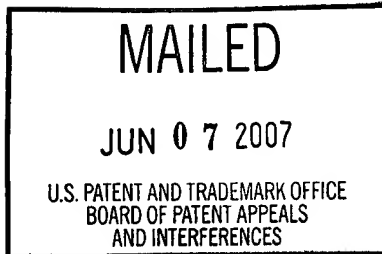
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHARLES ERIC HUNTER, BERNARD L. BALOU, JR.,  
KELLY C. SPARKS, and JOHN H. HEBRANK

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Application 09/707,273  
Technology Center 3600

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on May 16, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed a Supplemental Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98 which was received by the USPTO on September 15, 2005. There is no indication on the written record that the Examiner formally considered or acknowledged this document. Clarification is required.

Further review has revealed that the Examiner's headings contained in the Examiner's Answer mailed September 8, 2006 are not commensurate in scope with the *Manual of Patent Examining Procedure (MPEP)* § 1207.02(A). The Examiner must submit a corrected Examiner's Answer which conforms to the required headings and content.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

(1) to provide clarification as to the entry status of the IDS received by the USPTO on September 15, 2005;


(2) to initial the references or draw a line through the entries contained on the PTO-1449, and send a signed copy to Appellant and have said PTO-1449 made of record in the instant application;

(3) to issue a corrected Examiner's Answer which fully complies with the required headings and content as outlined in *MPEP* § 1207.02(A)(1)-(8); and

Application 09/707,273

(4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN/hh

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